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In re Application of	:	
KOEHLER, Ralf et al.	:	
Application No.: 10/533,060	:	DECISION
PCT No.: PCT/US03/34837	:	
Int. Filing Date: 30 October 2003	:	ON REQUEST UNDER
Priority Date: 30 October 2002	:	
Attorney's Docket No.: UCIVN-020US	:	37 CFR 1.497(d)
For: COMPOUNDS, METHODS AND ...	:	
BLOOD VESSEL WALLS	:	

This decision is in response to "Request to Delete Inventor," filed in the United States Patent and Trademark Office on 14 April 2006. It has been treated as a request under 37 CFR 1.497(d).

**BACKGROUND**

On 30 October 2003, applicants filed international application PCT/US03/34837, which claimed a priority date of 30 October 2002. The deadline for entry into the national stage in the United States was midnight on 30 April 2005.

On 27 April 2005, applicants filed a submission for entry into the national stage in the United States, accompanied by, *inter alia*, the U.S. Basic National Fee.

On 16 September 2005, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors and the surcharge for late furnishing of the search fee, examination fee or oath or declaration were required.

On 24 January 2006, applicants submitted a declaration of the inventors.

On 10 March 2006, the Office mailed Notification of Defective Response (Form PCT/DO/EO/916) indicating, *inter alia*, that the declaration was not executed by all of the inventors listed on the international application and that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required within ONE MONTH of the mail date or within the time remaining on the Notification of Missing Requirements.

On 14 April 2006, applicants filed this request under 37 CFR 1.497(d).

On 21 August 2006, applicants filed a request for an official filing receipt and a request to associate a customer number with this application.

### **DISCUSSION**

Applicants request to delete Michael D. Cahalan as an inventor.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); (3) the written consent of the assignee, if an original named inventor has executed an assignment and (4) any new oath or declaration required by paragraph (f).

Item (2) has been satisfied. The petition fee will be charged to deposit account no. 50-0878, as authorized. Item (4) is not applicable.

Items (1) and (3) have not been furnished.

Applicants have supplied one page 1 and three pages 2. The pages 2 list the same inventors, but were separately executed. While it is acceptable for inventors to execute different copies of the declaration, applicants must supply the full copy of the declaration executed by each inventor. Applicants may not piece together pages from different declarations to create a composite declaration. It appears there were at least three copies of the declaration executed. Applicants must supply complete declarations in compliance with 37 CFR 1.497(a)-(b).

Further, the signature lines of inventors not signing on that copy of the declaration have had "xxxxx" placed across them. This is an impermissible non-initialed, non-dated alteration. It is improper for anyone including counsel to modify an oath or declaration after execution by the inventor.

Applicants are not currently entitled to a filing receipt as applicants have not satisfied the requirements for entry into the national phase under 35 U.S.C. 371. However, the customer number has been associated with this application.

### **CONCLUSION**

For the above reasons, applicants' petition under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

A proper response including a declaration in compliance with 37 CFR 1.497(a)-(b) must be filed within TWO (2) MONTHS from the mail date of this decision. The submission should be entitled "Renewed Submission Under 37 CFR 1.497(d)."

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450,

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Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

A handwritten signature in cursive script that reads "Erin P. Thomson".

Erin P. Thomson  
Attorney Advisor  
PCT Legal Administration

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